

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHARLES E. LAWSON, individually,
and on behalf of all others similarly
situated,

Plaintiff,

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**SQUARE TWO FINANCIAL SERVICES,
CORPORATION d/b/a FRESH VIEW
SOLUTIONS**
Defendant.

[illegible]

Case No. 4:15-CV-937-CDP

JOINT PROPOSED SCHEDULING PLAN

COME NOW all counsel of record and pursuant to Rule 16 and this Court's June 23, 2015 order, hereby submit the following joint proposed scheduling plan:

- (a) Track 3 assignment is appropriate given that this is a putative class action case;
- (b) Deadline for joinder of additional parties or amendment of pleadings – October 1, 2015;
- (c) Discovery plan:
 - (i) Counsel do not anticipate any issues concerning electronically-stored discovery. The parties agree to produce the requested records in PDF or Excel format;
 - (ii) All issues concerning privilege or work-product will be raised in objections to discovery with a corresponding privilege log. The parties will make all reasonable efforts to resolve such disputes;
 - (iii) Dates for disclosures pursuant to Rule 26(a)(1) – July 23, 2015;

- (iv) Discovery need not be conducted in phases or limited to certain issues;
 - (v) Plaintiff will disclose experts on or before December 15, 2015, and make them available for deposition by January 14, 2016. Defendant will disclose experts by January 21, 2016, and make them available for deposition by February 22, 2016;
 - (vi) No variance from the presumptive limits for depositions and interrogatories is anticipated;
 - (vii) The parties do not anticipate that any physical or mental examinations of parties will be requested;
 - (viii) All written discovery will be completed by December 15, 2015;
 - (vii) No additional matters are pertinent to discovery in this case.
- (d) The parties believe the case may be appropriate for mediation. Mediation will be completed on or before December 1, 2015.
- (e) Any motions to dismiss or judgment on the pleadings shall be filed on or before October 15, 2015.
- (f) Any motions to limit or exclude expert testimony must be filed on or before March 1, 2016. Opposition briefs must be filed on or before March 15, 2016. Reply briefs must be filed on or before March 22, 2016.
- (g) Plaintiff requests that a deadline for filing of summary judgment motions be set after the Court's ruling on Plaintiff's motion for class certification. Multiple courts in this circuit have held that a Court should not rule on a Plaintiff's motion for summary judgment before determining whether class certification is appropriate. *See Paxton v. Union Nat'l Bank*, 688 F.2d

552 (8th Cir. 1982); *Wilson v. Am. Cablevision of Kansas City, Inc.*, 130 F.R.D. 404 (W.D. Mo. 1990); *Owens v. Hellmuth & Johnson, PLLC*, 550 F.Supp.2d 1060 (D. Minn. 2008). The Defendant would not be precluded from filing a summary judgment motion before class certification.

(h) Trial date: the parties request that a trial date be set after the Court's ruling on class certification;

(i) Other matters for inclusion in Joint Proposed Scheduling Plan:

(1) Class certification procedure: On May 27, 2015, Plaintiff filed a motion for class certification. The parties jointly request that consideration of this motion be stayed until the matter is fully briefed by the parties as follows: Plaintiff will file his motion for class certification with all supporting evidence on or before March 1, 2016. Defendants will file its any response in opposition to Plaintiff's motion and memorandum on or before April 1, 2016. Plaintiff may file a reply in support of class certification on or before April 18, 2016. Plaintiff reserves the right to amend the motion filed on May 27, 2015, as part of the filing on March 1, 2016

Respectfully submitted,

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